

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHANNEL BIO CORP.,

Plaintiff/ Counter Defendant,

v.

ERIC LEWIS, DONNIE DUEKER, MIKE ZIEGLER, JANE ZIEGLER, ERIC BERNHARD, SANDRA BERNHARD, CHRIS VOEGELE, DJD-3, INC., and CLAY COUNTY STATE BANK,

Defendants.

Case No. 08-cv-57-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on the unopposed Joint Motion to Dismiss (Doc. 81) filed by Plaintiff/Counter-Defendant Channel Bio Corp. and Defendant/Counter-Plaintiff Chris Voegele. Channel Bio Corp and Chris Voegele represent to the Court that they have resolved all claims between them. They ask the Court to dismiss those claims with prejudice. Federal Rule of Civil Procedure 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal of all claims signed by all parties who have appeared.

The Court hereby **GRANTS** the motion to dismiss (Doc.81), **DISMISSES with prejudice** and without costs all claims by Channel Bio Corp against Chris Voegele and all claims by Chris Voegele against Channel Bio Corp., and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

**IT IS SO ORDERED.**  
**DATED: April 30, 2009**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**